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July 22, 2024

Via ECF

The Honorable Barbara C. Moses
United States Magistrate Judge
United States District Court
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: *Joint Status Letter; Motion to Enlarge Certain Case Deadlines*
Amy Meisner v. 623 Ninth Avenue Associates, LLC et al; 1:23-cv-05833 (MMG) (BCM)

Dear Judge Moses:

We represent plaintiff Amy Meisner in the above-entitled action. On behalf of all of the parties we write pursuant to Your Honor's Order of May 14, 2024 (ECF No. 43) to provide an update on the parties' mediation efforts. We also write to respectfully request (i) an extension of time, until August 20, 2024, to complete mediation, with an updated joint status letter to be filed by the parties no later than August 27, 2024; and (ii) an extension of the deadline for filing the joint pretrial order, from August 25, 2024 to September 26, 2024, so the parties may devote their full attention and resources towards settlement.

By way of background, this action concerns the inaccessibility of La Pulperia 44, a restaurant located at 623 Ninth Avenue, Manhattan, to plaintiff, a person with disabilities that uses a wheelchair for mobility. In her Complaint, plaintiff has alleged that defendants violate the ADA and analogous state and local laws (collectively, the "Human Rights Laws"). On December 7, 2023 the Court "So Ordered" a case management plan (ECF No. 24) which was modified on March 13, 2024 (ECF No. 39). Pursuant to the Case Management Plan, all discovery ends on July 26, 2024, and a joint pretrial order is due thirty days thereafter (August 25, 2024).

As mentioned above, on May 14, 2024 the Court referred the parties to mediation (ECF No. 43). On July 19, 2024 the parties attended mediation, overseen by Mediator Casey Thomson from the SDNY mediation panel. Although the parties were unable to resolve the matter, progress was made. Consequently, the parties agreed to attend a second mediation session on August 20, 2024.

In light of the foregoing, the parties respectfully request that the Court extend the deadline to complete mediation to August 20, 2024; grant the parties leave to file an updated joint status letter by August 27, 2024; and extend the deadline for filing the joint pretrial order to September 26, 2024.

If granted, this will be the parties' second enlargement of case management plan deadlines. Thank you for your attention to this matter.

Application GRANTED. SO ORDERED.



Barbara Moses
United States Magistrate Judge
July 23, 2024

Respectfully submitted,

/s/

Robert G. Hanski, Esq.